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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JOHN SHIPLEY, P.T.
30591 CG-Lorane Road
Cottage Grove, Oregon 97424

Physical Therapy License No. PT 17354

Respondent.

Case No. 1D-2007-64973

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by G. Lynn Thorpe, Deputy Attorney General.

2. John Shipley, P.T. (Respondent) is represented in this proceeding by

1 attorney Connie Elkins McKelvey of Hoffman, Hart & Wagner whose address is Twentieth
2 Floor, 1000 SW Broadway, Portland, Oregon 97205.

3 3. On or about April 17, 1991, the Physical Therapy Board of California
4 issued Physical Therapy License No. PT 17354 to John Shipley. Respondent's Physical Therapy
5 License No. PT 17354 expired on April 30, 2007.

6 **JURISDICTION**

7 4. Accusation No. 1D-2007-64973 was filed before the Physical Therapy
8 Board of California, Department of Consumer Affairs, and is currently pending against
9 Respondent. The Accusation and all other statutorily required documents were properly served
10 on Respondent on May 31, 2007. Respondent timely filed his Notice of Defense contesting the
11 Accusation. A copy of Accusation No. 1D-2007-64973 is attached as exhibit A and
12 incorporated herein by reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, discussed with counsel, and fully
15 understands the charges and allegations in Accusation No. 1D-2007-64973. Respondent has also
16 carefully read, discussed with counsel, and fully understands the effects of this Stipulated
17 Settlement and Disciplinary Order.

18 6. Respondent is fully aware of his legal rights in this matter, including the
19 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
20 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
21 the right to present evidence and to testify on his own behalf; the right to the issuance of
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to
23 reconsideration and court review of an adverse decision; and all other rights accorded by the
24 California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

27 **CULPABILITY**

28 8. Respondent admits the truth of each and every charge and allegation in

Accusation No. 1D-2007-64973.

9. Respondent agrees that his Physical Therapy License is subject to discipline and he agrees to be bound by the Physical Therapy Board of California's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceeding in which the Physical Therapy Board of California, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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DISCIPLINARY ORDER

In consideration of the foregoing admissions and stipulations, the parties agree that the Physical Therapy Board of California may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that John Shipley, holder of Physical Therapy License No. PT 17354, shall be publicly reprovod by the Physical Board of California for violating sections 2660(i) and 2305 of the Code as set forth in the Accusation. A copy of the draft Public Reproval is attached as Exhibit B.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Connie Elkins McKelvey. I understand the stipulation and the effect it will have on my Physical Therapy License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: August 10, 2007.

Original Signed By: _____
JOHN SHIPLEY, P.T.
Respondent

I have read and fully discussed with Respondent John Shipley, P.T. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: August 14, 2007.

Original Signed By: _____
CONNIE ELKINS MCKELVEY
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California.

DATED: August 17, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

GAIL M. HEPPELL
Supervising Deputy Attorney General

Original Signed By: _____
G. LYNN THORPE
Deputy Attorney General

Attorneys for Complainant

PUBLIC REPROVAL

DRAFT

John Shipley, P.T.
30591 CG-Lorane Road
Cottage Grove, Oregon 97424

Re: Public Reproval Pursuant to Decision In
Matter of the Accusation Against:
JOHN SHIPLEY, P.T.
Case No. 1D-2007-64973

Dear Mr. Shipley:

On May 31, 2007, an Accusation was filed by the Physical Therapy Board of California in which it was alleged that on or about January 31, 2007, the State of Oregon Physical Therapist Licensing Board in an action entitled *In the Matter of the Physical Therapist License of John Steven Shipley*, Case No. PT208-3/05, as part of a Stipulation and Final Order, you admitted record keeping and treatment violations. This admission constitutes constitute unprofessional conduct pursuant to sections 2660(i) and 2305 of the Code.

Wherefore, pursuant to the authority of Business and Professions Code section 495, the Physical Therapy Board of California hereby issues this Public Reproval.

Very Truly Yours,

Original Signed By: Nancy Krueger, PT
FOR THE PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JOHN SHIPLEY, P.T.
30591 CG-Lorane Road
Cottage Grove, Oregon 97424

Physical Therapy License No. PT 17354

Respondent.

Case No. 1D-2007-64973

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 15, 2007.

It is so ORDERED September 14, 2007.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Nancy Krueger, PT, President
Physical Therapy Board of California